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the principal defendant, the present plaintiff, and no notice was given him by the garnishee. *Held*, that the garnishment judgment was valid and a defense to the present action. *Southern Ry. Co. v. Williams*, 206 S. W. 186 (Tenn.).

It is established law that jurisdiction over a debt in garnishment proceedings may be obtained by acquiring personal jurisdiction anywhere over the garnishee. *Harris v. Balk*, 198 U. S. 215; *Louisville & Nashville R. R. Co. v. Deer*, 200 U. S. 176. The soundness of this doctrine may well be questioned. See 27 HARV. L. REV. 107; 31 HARV. L. REV. 917. Exercising the jurisdiction so obtained with no notice to the principal defendant except an "extrajudicial" one from the garnishee has been held by the Supreme Court of the United States to be "due process of law." *Baltimore & Ohio Ry. Co. v. Hostetter*, 240 U. S. 620. The principal case is in accord with the latter decision on this point, because the presence or absence of such an extrajudicial notice can have no effect on the constitutionality of the proceedings. But it has been held, contrary to the decision in principal case, that such notice is necessary to protect the garnishee from repayment of the debt to the principal defendant. *Pierce v. Chicago Ry.*, 36 Wis. 283; *St. Louis & S. F. R. Co. v. Crews*, 151 Pac. 879 (Okla.). See also *Morgan v. Neville*, 74 Pa. St. 52, 57; *Harris v. Balk*, 198 U. S. 215, 227. On ordinary principles, the failure by the garnishee to give notice can make him liable to pay the debt a second time only because his negligence has injured the principal defendant to that extent. It should therefore, it is submitted, be necessary for the principal defendant, in his suit against the garnishee, to show (1) (*injury*) that the claim of the plaintiff in the garnishment proceedings was unjust, and (2) (*causation*) that the claim could have been successfully resisted if the garnishee had given the omitted notice. Since neither of these elements of liability was established in the principal case, the decision, notwithstanding its obvious injustice to the present plaintiff, seems the correct one if we are logically to follow *Harris v. Balk* and *Baltimore & Ohio Ry. Co. v. Hostetter*, *supra*.

HUSBAND AND WIFE — CRIMINAL CONVERSATION — RIGHT OF WIFE TO SUE. — The plaintiff, a married woman, sued another woman for criminal conversation with the plaintiff's husband. *Held*, the plaintiff may recover. *Turner v. Heavrin*, 206 S. W. 23 (Ky.).

Under the old common law a wife either had no right of action for the alienation of her husband's affections or for criminal conversation with him, or else she had a right she could not enforce because of the necessity of joining her husband, one of the wrongdoers as a party plaintiff. See *Lynch v. Knight*, 9 H. L. 577, 594, 595; *Humphrey v. Pope*, 122 Cal. 253, 257, 53 Pac. 847, 848 (affirmed in 1 Cal. App. 374, 82 Pac. 223); *Haynes v. Nowlin*, 129 Ind. 581, 584, 29 N. E. 389, 390. A few jurisdictions still follow the old rule, sometimes on account of a needlessly narrow interpretation of Married Women's Property Acts. *Morgan v. Martin*, 92 Me. 190, 42 Atl. 354; *Lellis v. Lambert*, 24 Ont. App. 653. Most jurisdictions now, however, allow a wife recovery in an action for alienation of affections, especially where the action involves both alienation of affections and criminal conversation. *Messervy v. Messervy*, 82 S. C. 559, 64 S. E. 753; *Nolin v. Pearson*, 191 Mass. 283, 77 N. E. 890. While generally the cases fail to distinguish the two actions, one court has held that a wife may maintain an action for alienation of affections, but not for criminal conversation. *Kroessin v. Keller*, 60 Minn. 372, 62 N. W. 438. Another court held in a *dictum* the wife could maintain either. *Dodge v. Rush*, 28 App. D. C. 149, 153. The present case, allowing recovery for criminal conversation alone, seems sound.

JURISDICTION — CIVIL AND MILITARY TRIBUNALS — CALL TO SERVICE UNDER THE DRAFT ACT WHILE AWAITING SENTENCE IN A CIVIL TRIBUNAL. — The

petitioner was duly registered and subject to draft under the Selective Service Law. (ACT OF CONGRESS, May 18, 1917.) Following his registration he committed grand larceny, was indicted and pleaded guilty, and was awaiting sentence when called to report for military duty. Claiming his call to service changed his status to that of a soldier subject to military law, and that the jurisdiction of the military authorities was absolute, the petitioner applied for a writ of *habeas corpus*. *Held*, that the application be denied. *Ex parte Henry*, 253 Fed. 208 (Dist. Ct.).

When one in military service commits an offense which is both a civil and military crime, the jurisdiction of the civil and military tribunals is in times of peace concurrent. But should the jurisdiction of the civil authorities first attach, the military authorities must yield thereto. A. W. 74; should the jurisdiction of the military authorities first attach, they may, but need not, give way to the civil tribunals. A. W. 74; *United States v. Lewis*, 200 U. S. 1. In times of war, however, the military authorities are supreme and need not yield to the civil authorities though the jurisdiction of the latter first attached. *Ex parte King*, 246 Fed. 868. They may allow the civil authorities to punish the offender as a matter of comity or expediency. That has been declared to be the proper policy where the charge is serious. J. A. G. O., October 30, 1917; *Ibid.*, June 11, 1917. See *Ex parte Bright*, 1 Utah, 145. In the principal case the petitioner, though subject to draft, was not at the time the offense was committed subject to military law, and his call to service while he was awaiting sentence from the civil tribunal could not deprive that tribunal of his custody unless it was the intent of Congress so to do. That Congress had no such intent is shown by the Selective Service Regulations which places infamous criminals in Class V, and all other criminals awaiting trial or serving sentence in Class IV. S. S. REG., 2 ed., § 79. Moreover, the result of the principal case is sound, for it is not the military authorities but the wrongdoer himself who seeks his release. See *Ex parte Calloway*, 246 Fed. 263.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — STATEMENTS OF ALDERMEN. — Defendant as alderman made charges of want of integrity and unfitness against the plaintiff, a policeman, before the board of aldermen, which had power to remove policemen. The plaintiff was exonerated and sued the defendant for libel. *Held*, that actual malice could not be inferred from the mere falsity of the defendant's statements, and that in the absence of malice the plaintiff could not recover. *Sweeney v. Higgins*, 104 Atl. 791 (Me.).

Usually, action lies for false statements about a person in his trade or profession tending to bring him into general contempt, hatred, or ridicule. *Farmer's Life Insurance Co. v. Wehrle*, 165 Pac. 763 (Colo.); *Carver v. Greason*, 101 Kan. 639, 168 Pac. 868. Sometimes, however, public interest in freedom of comment outweighs individual interests in untarnished reputations. A person with a duty or interest, although only social or moral, in communicating his belief about another to a third person with a corresponding interest in hearing it is protected if the informant does not abuse the exigencies of the occasion. *Everest v. McKenny*, 195 Mich. 649, 162 N. W. 277; *State v. Fish*, 90 N. J. L. 17, 102 Atl. 378. Public interest in the freedom of speech by members of legislatures, judges, persons in judicial proceedings, and high executive officers is so great that their statements made in the course of duty are absolutely privileged. *Dillon v. Balfour*, 20 Ir. L. R. 600; *Scott v. Stansfield*, L. R. 3 Exch. 220; *Rogers v. Thompson*, 89 N. J. L. 639, 99 Atl. 389; *Farr v. Valentine*, 38 App. D. C. 413. This is hardly true of inferior boards such as city councils and investigation committees, but there is some authority for holding their privilege absolute, not qualified. *Bolton v. Walker*, 197 Mich. 699, 164 N. W. 420. *Contra*, *Ivie v. Minton*, 75 Or. 483, 147 Pac. 395. The court in the principal case adopts the sounder view.